

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

AL IMAN PLAZA INC.,

Debtor.

Case No. 17-12072 (MG)

Chapter 11

**ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED, OR
CONVERTED TO A CASE UNDER CHAPTER 7, AND WHY SANCTIONS SHOULD
NOT BE AWARDED AGAINST DEBTOR'S ATTORNEY, CARLOS GONZALEZ, ESQ.,
FOR BAD FAITH FILING, FAILURE TO FILE REQUIRED DOCUMENTS AND
SCHEDULES, AND FAILURE TO APPEAR AT PRIOR HEARING**

On September 13, 2017 at 10:00 a.m., this Court held a hearing on the U.S. Trustee's motion to dismiss or, in the alternative, to convert this case to a case under Chapter 7. Debtor's counsel, Carlos Gonzalez, Esq. ("Gonzalez"), did not file an opposition to the motion or appear at the hearing. A review of the docket in this case shows that other than filing the petition commencing a case under Chapter 11, Gonzalez has not made any other required filings in this case, despite the U.S. Trustee's calling to Gonzalez's attention the filing defects. It also appears that the bankruptcy filing in this case was done solely for the purpose of obtaining the benefit of the automatic stay to prevent foreclosure of the Debtor's property without satisfying any of the requirements for commencing a case under Chapter 11.

Therefore, it is **ORDERED** that:

Gonzalez shall appear *in person* at a hearing on this Order to Show Cause at 9:00 a.m., September 20, 2017. If Gonzalez fails to appear in person at the hearing, monetary sanctions for failure to appear will be entered. Additionally, if Gonzalez fails to appear in person, a bench warrant for his arrest will be entered by the Court.

On or before 5:00 p.m., September 18, 2017, Gonzalez shall file an affidavit or declaration under oath addressing each of the following questions:

1. Why Gonzalez failed to file the required documents in this Chapter 11 case, either with the petition or in response to the communications from the U.S. Trustee directing that the required documents be filed;
2. Why this case should not be dismissed as a bad faith filing with *in rem* relief with respect to foreclosure proceedings with respect to the Debtor's property;
3. Whether Gonzalez received a fee retainer or payment of expenses from the Debtor and in what amounts;
4. Why Gonzalez failed to file a response to the U.S. Trustee's motion to dismiss or convert;
5. Why Gonzalez failed to appear at the September 13, 2017 hearing;
6. Why sanctions, in an amount determined by the Court, should not be ordered?

At the hearing on September 20, 2017, Gonzalez shall be prepared to address each of the issues raised in this Order to Show Cause.

The Court directs the Office of the U.S. Trustee to serve a copy of this Order to Show Cause on Gonzalez.

IT IS SO ORDERED.

Dated: September 13, 2017
New York, New York



MARTIN GLENN
United States Bankruptcy Judge